

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CORDELL MCKINLEY,)	Civil No.: 3:16-cv-00826-JE
)	
Plaintiff,)	FINDINGS AND RECOMMENDATION
)	
v.)	
)	
NANCY A. BERRYHILL, ¹)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

Cordell McKinley
PO Box 33392
Portland, OR 97292

Plaintiff *pro se*

JELDERKS, Magistrate Judge:

On May 11, 2016, Plaintiff *pro se* Cordell McKinley filed this action seeking judicial review of a final decision of the Commissioner of Social Security. On that same day the Clerk's Office issued and mailed to Plaintiff a Social Security Procedural Order and Notice of Case Assignment. On July 7, 2016, the Clerk's Office mailed to Plaintiff a copy of the Order granting in forma pauperis status along with copies of service forms.

¹ Nancy A. Berryhill replaced Carolyn W. Colvin as Acting Commissioner of Social Security on January 20, 2017, and is therefore substituted as the Defendant in this action pursuant to Fed. R. Civ. P. 25(d).

As of February 23, 2017, Plaintiff had not completed service of process and by Order dated that same day, the Court notified Plaintiff of its intention to dismiss this action unless Plaintiff had properly completed service by March 24, 2017. As of today's date, there is no indication in the file that the Defendant has been properly served. Therefore, a judgment should be entered dismissing this case without prejudice for lack of prosecution.

Scheduling Order

This Findings and Recommendation will be referred to a district judge. Objections, if any, are due April 26, 2017. If no objections are filed, then the Findings and Recommendation will go under advisement on that date.

If objections are filed, then a response is due within 14 days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will go under advisement.

DATED this 12th day of April, 2017.

/s/ John Jelderks
John Jelderks
U.S. Magistrate Judge